

Parody of Justice: Toronto 18 Suspects undergo Trial by Media

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Feels like June 2nd all over again

The trial of the only remaining youth in the Toronto 18 case commenced last week in a Brampton courtroom. The new details disclosed in the Crown factum filed in the case elicited depressingly new emotional lows in all of the accused and their families. Reminiscent of that fateful day in June, 2006, the media sensationalism started all over again, with the reporting of incomplete evidence and outrageous headlines. Having attended the entire preliminary hearing, I must confess my shock and disbelief at the fact that these allegations continue to be presented in a manner which precludes the public from seeing a complete or accurate picture.

In our legal system, a preliminary hearing is held for the purpose of determining if there is enough evidence to warrant having an accused person proceed to trial. It gives the accused person and his lawyer an opportunity to learn what evidence the police and prosecution plan to use against them. At the end of the preliminary hearing, the judge decides if there is enough evidence to put the accused on trial, and then the case would proceed to the Superior Court. Unfortunately, in the case at hand, in what can reasonably be seen as an attempt to keep alive the climate of fear and sensationalism, the prosecution abruptly halted the preliminary hearing before the defense lawyers had an opportunity to begin to test and challenge the evidence. As some media have reported based on statements from the informant and others, the preliminary hearing was not going as planned by the prosecution; they were far from proving anything coming even close to an Al Qaeda inspired homegrown terror plot. As lawyer Michael Moon has publicly stated the “evidence” lacks any substance and reveals nothing more insidious than a bunch of guys talking, camping and goofing around.

Against this backdrop, the prosecutors were able to pull out their “wild card” and abruptly end the preliminary hearing. This strategic move unfairly gives the government the ability to keep up the drama and prolong the climate of fear. As documented by leading researchers, the psychology of fear is an effective tool against an uninformed and apathetic public. This is clearly evident from the superficial facts and out-of-context statements being thrown out to an unsuspecting, trusting and fearful public. These young men and youth, who are supposed to be innocent until proven guilty according to our own fundamental democratic right, have been painted as foreign and threatening.

I feel obligated to respond to the recent splash of terrorist allegations and to provide some balance and context (with the limited information that I am allowed to disclose as a result of the publication ban). I direct my comments more specifically to two recent articles that got

extensive exposure: [‘Alleged Toronto terror plot detailed in court’](#) by Isabel Teotonio (Toronto Star, March 26, 2008) and [Video calls for defeat of ‘Rome’ in Canadian terror case](#) by Collin Freeze (The Globe and Mail, March 26, 2008). My comments are as follows:

1) It is alleged that these teens/young adults were planning “the plotting of an attack “much greater” in scale than the London 2005 bombings that killed 52 people”. As stated in the material released by Justice Sproat in the factum of Michael Moon, this is incorrect. These men were incapable of doing so based on the fact that they lacked the financing and the planning required to plot, let alone, carry out something this outrageous. Moreover, they did not undergo any real training. There is almost a total reliance on the informants in this case by the RCMP and CSIS, which hopefully the public will see as the case unfolds.

2) “According to the allegations, the so-called Toronto 18 were attempting to secure a safe house to store weapons and practice military drills, and embarking on a mission to destroy the West “one they should be willing to die for.” This is extremely sensationalized, and exaggerates and decontextualizes the actual evidence. If this is in reference to the trip to Opasatika, then, as stated in the material released by Justice Sproat in the factum of Michael Moon, discussion about Operation BADR, during this trip were even described by Mubin Shaikh (the government’s own agent) as “fanciful plans” and constituted a very very minor portion of a 20 + hour trip.

3) “Storming Parliament Hill and beheading politicians.” This entire conversation, as Michael Moon suggested in [‘Terror schemes exaggerated, lawyer says’](#) by Colin Freeze (The Globe and Mail, March 27, 2008) referred to a 10 hour long car ride, and the conversations during this ride which were completely innocuous and reveal nothing more than a bunch of guys camping and horsing around. Their level of knowledge and sophistication is almost laughable given the seriousness of the allegations against them. In fact, they did not even know the name of the prime minister, and there were no maps, pictures, plans, any course of action, computers, or anything that would suggest they were really plotting something, let alone a terrorist attack. As stated in the material released by Justice Sproat, in the factum of Michael Moon, they lacked the finances and the plans to carry out such deeds.

4) The fragments of conversations that are presented are problematic. The reference to the London bombings and the quotes used are cut and pasted with the elimination of any laughter, and the context of how it is said. Moreover, the public is even more in the dark in that the demeanor and backdrop against which these statements are made are not visible. These decontextualized quotes and statements leave a far more sinister image than would actually be supported if these conversations are presented in the proper context.

5) It has been reported that there were videos of “terrorist indoctrination,” in which the accused are exhorted to wage battle in the new empire of “Rome” in North America, “whether we get arrested, whether we get killed.” This video as stated in the material released by Justice Sproat, in the factum of Michael Moon, must be considered in the context of a “hapless `F-Troop,’ who ventured into the deathly cold of winter without a proper tent, or in fact sufficient or proper supplies of any kind, was reduced to sleeping in the vehicles at night to prevent freezing to death; trooping off to Tim Horton’s multiple times per day for coffee and use of the bathroom, tending the fire, and marching with the primary purpose of staying warm”.

6) As described in the press, “the accused attended two training camps. One was a 12-day camp near the town of Washago, Ont., where they practiced

military-style exercises in camouflage gear and undertook firearms training with a 9-mm firearm. The second was a two-day camp at the Rockwood Conservation Area, where they donned camouflage clothing and made a propaganda-style video of their military drills.” As made clear in the material released by Justice Sproat, in the factum of Michael Moon, these were not training camps and there was nothing even vaguely military about these camps except that which was orchestrated by Mubin Shaikh, the government’s own agent.

Based on the foregoing and what I have seen in court during the preliminary hearing there is nothing to justify a belief that there was a danger to Canada. Indeed this is reinforced by the fact that much of the “evidence” and training appears to come from the government’s own discredited agent, Mubin Shaikh, and the fact that the ordering, delivery and control over the fertilizer rested fully in the hands of another government agent and the RCMP.

The unbalanced and sensational media coverage of the case and Islam, the growing trend of Islamophobia and the resulting hatred against Muslims clearly disadvantage and prejudice the accused. In fact, those who are identified closely with Islam are easily associated with terrorism through guilt by association and the presumption of guilt. The restrictions imposed by the publication bans preclude an effective voice in opposition to this hatemongering. As a result Muslims have to relive the sensationalist propaganda and the characterization of innocent boys and young men (after all they are all to be treated as innocent until proven guilty, which seems more and more difficult as time passes and the prosecution continues to use the media for misinformation and propaganda) as ‘scary monsters’. This only creates an environment that further marginalizes Muslims (particularly those who are seen as openly practicing) and makes it all the more difficult for the accused to be tried in a fair, open and expeditious manner.

As a born and raised Canadian, who believes in the freedom and equality of all people, I am seriously appalled at the way a young Canadian’s life can be portrayed as a scary troubling demon, i.e. an Al Qaeda inspired terrorist based on scant evidence, out of context statements, one’s religiosity and even one’s political views. Like any other Canadian, now I patiently await to see, if justice will see the light of day given the cloud hanging over the head of the accused and their families as a result of the biased release of information, reported without question, by the media who, for the most part, only seem interested in sensationalism and pushing their “product.” In all fairness, I must add that the job of journalists is made all the more difficult as a result of the publication ban and I must also note that some have tried to give voice to the accused and bring some balance. I hope and pray that this will increase as the cases progress so that the accused can get their day in court for fair, transparent and expeditious trials and not trial by media.

Beenish Gaya, is a Toronto based writer and sister of one of the accused. For more information on the case, please visit www.toronto18.com. & please watch the following 6 part documentary <http://youtube.com/user/UnfairDealing>.

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